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## Critical Notes.

### NOTES ON THE CODE OF 𐤂𐤁𐤍𐤌𐤁𐤁𐤀.

#### THE RED 𐤔𐤁𐤁𐤈.

This official whose title is written MIR-UŠ has been the subject of some speculation. The ideographic form of title is interpreted II R. 24, 58*ab* by *rid ū ša 𐤔𐤁𐤁𐤈*. It occurs very frequently in the letters of 𐤂𐤁𐤍𐤌𐤁𐤁𐤀 published by King, see Index, p. 290: where a guess "slave-driver" is hazarded. Although the sign MIR is different from that written for *nāgiru*, both have the common value GIR, and LIGIR is evidently only MIR, with the sign KAŠ inserted. Now KAŠ is an ideogram for *girru* and *ḥarrānu*, words used for a military expedition. Further *nāgiru* and *girru* are probably related. Hence there is some probability that the *nāgiru* and *rid ū ša 𐤔𐤁𐤁𐤈* are closely related officials, if not identical in office: see *ADD.*, II, p. 70.

The 𐤔𐤁𐤁𐤈 are laborers, employed on public works, or militia for military duty. They are not exactly slaves, but were recruited from captives, certain worthless or troublesome slaves, and the pauper classes generally. The status was dreaded, and it is often referred to as a blot on the memory of an oppressor that he reckoned freemen of the great cities to this lot. As laborers they were unskilled and treated almost as beasts of burden, but they were fed and clothed at the royal expense, thus answering to the corporation employés of our great towns, or the men on public works in the colonies. The demand for these laborers on the great buildings of the ancient Babylonian monarchs was enormous, and in every district an official was appointed to superintend and obtain supplies of these 𐤔𐤁𐤁𐤈. They worked in gangs, as may be seen from the monuments, and the *red ū ša 𐤔𐤁𐤁𐤈* was on his civil side a "ganger;" on his military side as in command of enforced military service a "field cornet." In later times, in Assyria, his military representative was the *rab kišir*. See further in *ADD.*, II, p. 125, 170-172. He and the next official were sent on errands for the king, acting as a sort of post, and had the power of impressing men, animals, or ships, for the execution of their duty. But they might not hire a substitute on pain of death and displacement by that substitute; § 26. It is difficult to fix upon an official in modern times whose functions will answer to those described above, but perhaps the old English word "reeve" is near enough to serve as a translation.

The title *bā'iru*, usually written ŠÚ-𐤂𐤁𐤍, is very often used in the sense of "fisherman." The verb is also used of hunting. But the original meaning is "to catch." The *bā'iru* here is a "catcher," a press-gang officer. He, like the above, was employed on the king's

service, had to go on the king's errands, and both officers were forbidden, under pain of death, to delegate their duties, once they had received a commission of any sort. One may translate this title, perhaps, by "runner," an old English name for a sort of constable.

These two officials are coupled together, and no distinction is observable between them. They may really be the same official under different names. It appears to be the case that in the code, as in many legal documents, several synonyms, or terms nearly synonymous, are used together, probably with a view to greater comprehensiveness. Their office was officially endowed. Each received a house and land, if not a salary, which went with the office and was inalienable from it. The office was not hereditary, and the officer could not make provision from it for his wife and family. But if he were sent on foreign service, or garrison duty, he might resume his house and field on his return, if his absence did not extend beyond one year. But his house, field, and garden went to his successor in office in the meantime, and permanently, if his absence exceeded three years. His successor might be his son, if the son were able to take up the duties; § 28. If the son were too young, one-third of the field and garden was given to the mother to rear the children; § 29. The house evidently went as official residence. If the officer simply goes away and leaves his house and estate uncared for, it shall go to his successor and on his return he will have no claim whatever; § 30. But this only took place if he had been more than one year away; § 31. If he is named for foreign, or garrison duty, a merchant might buy him out; if he had the means to pay the merchant for this good office, he must do so. If the temple of his city had the means, it might do so, if he was too poor. If the temple was too poor, the palace might do so. But his official house, field, and garden might not be used to raise money for the purpose. Clearly the endowment was a "benefice." The whole arrangement is suggestive of a desire to hold down the population by an organized administration.

The officer called PA-PA, who may be the paḥat, or governor of a district, and the officer called NU-TUR seem to have had power over another class of population, the šāb niṣḥatim; § 33. It was an offence punished with death for them to admit a hireling in place of the man nominated for an errand of the kings. They evidently were the superior officers of the redû ša šābê and bâ'iru for they might oppress them by taking their goods, robbing them, letting them out on hire, robbing them in a judgment before a judge, or taking away the holding which the king had given them. The penalty for such oppression was death. The šāb niṣḥatim are clearly the local quota for the levy.

The ridû ša šābê, or bâ'iru, could not alienate the oxen and sheep which the king had given him; § 35. His house, field, and garden could not be given for money; §§ 36, 37, nor could he assign it to his wife or child, § 38, nor pledge it for debt. But he had full power over the property which he had bought himself or acquired; § 39. If in his absence another had enclosed his estate, on his return, he shall take possession and keep his status; § 41. These immunities also applied

to the *nāš bilti*, or "tributary," whose exact status is otherwise obscure; §§ 36, 37, 38.

There is some reason to hold that when officials are named together in these sections, it is as alternative titles for the same or nearly the same office, but the point cannot be pressed. For the purposes of the code no difference was made between them, but their actual duties and status may have differed greatly.

#### THE WINE-SELLERS.

According to the code a wine-seller was usually a woman. If a wine merchant has not accepted corn as the price of drink, but has taken silver by the heavy weight, and has made the price of drink less than the price of corn, that wine-seller shall be put to account and thrown into the water; § 108. What the great weights or great stones mean is obscure. The "small stone" *abnu šihru* seems to have been a definite weight of one-third of the shekel; II, R. 37, 51*gh*. The "great stone" may have been two-thirds of the shekel, as the heavy mina was double the light mina. But this does not help much. Perhaps the point is that when the wine-drinkers were not clear-headed, the wine-seller insisted on using the heavy mina, though the light one was proper, and so made her customers pay double. But the idea seems to be that wine ought to cost as much as corn and no more. Both were measured by vessels of capacity. A full pint of wine for a full pint of corn was fair, and a fuddled drinker might know that he got his fair measure. The weighing of silver and the two scales of weight would be puzzling. There may be an attempt to discourage drunkenness in the clause that drink should not be cheaper than corn, but this is hard to prove. If the wine merchant collected together rebels, or violent rioters, in her house, she was bound to seize them and take them to the palace, on penalty of death; § 109. These rioters may be seditious plotters. That it was not a quite respectable business one may conclude from the fact that a votary of the gods, priestess, vestal, or whatever she was, was not permitted to open a wine shop nor to enter one; § 110.

If a wine-seller gave sixty *KA* of a particular strong drink, often spoken of as "excellent," to thirsty ones, in harvest time, she was to receive fifty *KA* of corn; § 101. Here she made apparently a free gift to the harvesters and was to be rewarded. The reward, considered as a payment, violated the above principle that wine should not be cheaper than corn. But in a thirsty time such a rule might be relaxed: or the act was not to be considered a violation of the law, as it was prompted by charity. It is less likely that she was actually allowed to reduce her price at harvest time, though this may well be the meaning.

The rendering, given by Professor Scheil and followed by Dr. Winckler, of § 41 presents some difficulties. According to them the benefice of a reeve or runner might (in his absence on king's business?) be "enclosed" by a neighbor who found the "stakes" for the purpose. On his return the official would resume possession and his temporary supplanter had to forfeit the "stakes." This seems fair enough. But

we may ask if there was any object in enclosing the land. Why had not the official already done it himself?

But the word *ubih* rendered "enclosed" is common enough in the contracts, see Meissner, *ABP.*, p. 130, as a side form of *pāhu* "to exchange." We have already been told in the code that the reeve could not alienate any portion of his benefice. It is natural to expect that he could not exchange it either. If any one dares to make such an exchange of his own farm for the official estate of a reeve, the code provided a punishment for him. The word rendered "stakes" is plural *niplatim*. But no word meaning stake will serve as its singular. The word *niplu* seems to mean a shoot, a branch. It is hardly like to mean a fencing stake. But alongside of *pāhu* we find a synonym *pālu*, or *apālu*, see Meissner, *loc. cit.* Surely this gives *niplatim* at once as the thing offered or taken in exchange.

Hence I should render § 41 somewhat as follows: "If a man has exchanged the field, garden, or house, of a reeve, runner, or tributary, and has given an exchange, the reeve, runner, or tributary shall return to his field, garden, or house, and shall take for himself the exchange given him."

This is exactly parallel to the case of unlawful sale in § 35, where the buyer not only has to return his purchase, but also lose the price he paid for it.

C. H. W. JOHNS.

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#### EMENDATIONS IN THE TEXT OF EZEKIEL.

**24:21.**—A *crux interpretum* is the word מְחַמֵּל in Ezek. 24:21. The LXX reads καὶ ὑπὲρ ὧν φεῖδονται αἱ ψυχὰς ὑμῶν; it is similarly explained in the new *Hebrew Lexicon*, "an object of your soul's compassion." Gesenius-Buhl *Lexicon* states that it is a word of unknown meaning. Bertholet, *in loco*, translates it "das Sehnen" = the longing; Kraetzschmar, *in loco*, renders it similarly, "das Verlangen." Both commentators are guided in their translations by the word מְחַמֵּד, which is found in some manuscripts. It occurs three times in Ezekiel, viz., 24:16, 21, 25. As, however, מְחַמֵּד occurs already once in this verse, the word מְחַמֵּל cannot have the same meaning. I explain it on the basis of the Aramaic root ܡܚܡܐ, of which the Afel pass. part. is ܡܚܡܐ = *collegit*. The meaning in both Peal and Paal is *θησαυρίζω*. We read of a ܡܚܡܐ = *thesaurus*, Eph. Syr., in Ezek. 18:13; cf. Brockelmann, *Lex. Syr.* All the stems contain the meaning "to collect, to treasure up," hence מְחַמֵּל, regarding it as an Afel pass. part. of the root ܡܚܡܐ, signifies "that which has been treasured up," i. e., a treasure.

We find a goodly number of Aramaisms in Ezekiel, and as Aramaic was the *lingua franca* of the time (cf. 2 Kings 18:26), it certainly should not surprise us to find an Aramaic word in these prophecies, especially when the word seems to be a technical term. It is perhaps due to the